

Introduced by Senator Cox

February 26, 2009

An act to add Article 8 (commencing with Section 3470) to Chapter 2 of Part 1 of Division 4 of the Fish and Game Code, relating to wildlife.

LEGISLATIVE COUNSEL'S DIGEST

SB 481, as introduced, Cox. Airports: wildlife.

Existing law regulates the taking or possession of birds, mammals, fish, amphibians, and reptiles. Existing law generally provides that a violation of fish and game laws is a crime.

This bill would provide that, notwithstanding any other provision of law, a public use airport certificated by the Federal Aviation Administration operating in the state that takes wildlife to protect public safety pursuant to federal law, including a federal depredation permit, does not violate state fish and game laws.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Article 8 (commencing with Section 3470) is
2 added to Chapter 2 of Part 1 of Division 4 of the Fish and Game
3 Code, to read:

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5 Article 8. Management of Wildlife at Public Use Airports

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7 3470. It is the policy of the state to actively encourage the safe
8 and biologically sound management of wildlife resources on
9 California's public use airports as regulated by the Federal Aviation

1 Administration (FAA) and its agents. The Legislature recognizes
2 that public use airports serving in the United States are operated
3 according to regulations and policies promulgated by the FAA and
4 federal law that protect the health, safety, and welfare of the public
5 in compliance with applicable FAA regulations, standards, policies,
6 and guidance, wildlife hazard management plans, and associated
7 permits.

8 3471. The department recognizes that, in its ongoing efforts
9 to protect the health, safety, and welfare of the traveling public in
10 compliance with Federal Aviation Administration (FAA)
11 regulations, and specifically Section 337 of Part 139 of Title 14
12 of the Code of Federal Regulations, it is necessary to perform
13 wildlife hazing, harassment, and depredation. The department
14 further recognizes that FAA certificated public use airports and
15 their wildlife hazard management staff must harass, haze, or
16 perform removal of species to protect the health, safety, and welfare
17 of the public when authorized by a current, valid federal fish and
18 wildlife depredation permit, even if these takings are prohibited
19 by, or not addressed by, other provisions of this code.

20 3472. Notwithstanding any other provision of law, a public
21 use airport certificated by the Federal Aviation Administration
22 operating in the state that takes wildlife to protect public safety
23 pursuant to federal law, including a federal depredation permit,
24 does not violate any provision of this code or regulations adopted
25 pursuant to this code.